Claims 1-10 are pending in the application. In the final Office Action dated November 14, 2006, the Examiner rejected claims 1-10 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Lehner, et al. ("Lehner")* in view of *Foster, et al. ("Foster")*. Applicant respectfully traverses the rejection and addresses the Examiner's disposition below. Claims 3 and 7 have been canceled.

Independent claims 1, 5, 10, and 11 each claim subject matter relating to asynchronously receiving a plurality of data instances, each data instance having one of a plurality of formats. A datatype of a first format is provided for each data instance, each datatype having a metadata in the first format that describes the respective data instance and a reference in the first format to the respective data instance, the data instances being maintained separately from the datatypes.

This is clearly unlike *Lehner* in view of *Foster*. As acknowledged by the Examiner, *Lehner* fails to disclose providing a datatype of a first format for each asynchronously received data instance. The Examiner combines *Lehner* with *Foster* in an attempt to disclose or suggest Applicant's claimed invention, however, *Foster* is not a valid 35 U.S.C. §102 reference.

The present application was filed on October 22, 2003 and claims priority to provisional patent application no. 60/469,767, which was filed on May 12, 2003. Therefore, the present application has an effective filing date of May 12, 2003.

Foster has a publication date of August 14, 2003, which is later that the present application's effective filing date of May 12, 2003. Therefore, *Foster* cannot be used as a prior art reference under 35 U.S.C. §102. Accordingly, *Lehner* in view of *Foster* still fails to disclose or suggest claims 1, 5, 9, and 10.

The Examiner argues that some of Applicant's claimed subject matter is not enabled by priority application no. 60/469,767 ("the '767 application"). Applicant disagrees. Specifically, the Examiner argues that the '767 application does not enable "determining whether the subscriber subscribes to at least one additional data type …" *Office Action of 11/14/2007*, pages 2-3. Applicant notes that this language does not appear in the claims.

Below, Applicant describes illustrative support in the '767 for enabling the claimed subject matter of the present application:

- The '767 application clearly enables the claimed subject matter relating to a datatype including a reference to a data instance. *See, e.g.,* pages 44 (last paragraph) and 62-68.

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- The '767 application clearly enables the claimed subject matter relating to data being stored separately from a data type. *See, e.g.,* pages 71 and 92.

Therefore, Applicant submits that all of the claimed subject matter is described and enabled in the '767 application.

Claims 2-4 and 6-8 depend directly or indirectly from claim 1 or 5 and are therefore allowable for at least that same reasons that claims 1 and 5 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 2, 4-6, and 8-10 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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